

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/92457/W
Site Address:	4, Thong Lane, Netherthong, Holmfirth, HD9 3TY
Description:	Erection of single and two storey extensions
Recommending Officer:	Luke Walstow

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Oct-2023

OFFICER REPORT

Application Reference: 2023/92457

Site: 4, Thong Lane, Netherthong, Holmfirth, HD9 3TY

Site Description

4 Thong Lane, Thongsbridge is a detached stone property with a concrete tiled roof. Original built around 1920, the property has been altered since, by creating a new façade and raising the roof. This appears to be before 1948. The property also benefits from a 2-storey side extension, a detached double garage, 2 front bay windows and a side conservatory.

The property itself is within fairly large grounds being rectangle in shape, almost north – south in orientation. Access to the site is via the long drive running along the east facing boundary; the property itself is located in the NW corner of the site, situated at right-angles to Thong Lane and overlooking the valley. There is a large, protected tree in the SW corner as well as several protected trees along the northern boundary, located in the neighbour's garden.

The property is on a sloping site with the garden elevated above the drive with a retaining wall running along the side of the drive, creating a flat lawned area to the south of the property, with the garden directly in front of the property sloping down towards the drive.

Description of Development

The applicant is seeking planning permission for erection of single and two storey extensions.

Single Storey front extension:

Projection: 1.6 metres

Width: 8.8 metres

Height: 3.6 metres

Two Storey Side extension (replacing existing southern conservatory)

Length: 6.63 metres

Width: 6.5 metres

Height: 7.7 metres

Two Storey Side Extension (North)

Length: 8.03 metres

Width: 3.9 metres

Height: 7.7 metres

The front extension would serve as an extension of the existing dining and kitchen area. The southern extension would serve as a garden room on the ground floor and a master bedroom with ensuite on the first floor. The side extension to the north would serve as a ground floor lobby and bathroom and a first floor fourth bedroom, ensuite and balcony. The extension would be constructed from coursed natural stone for the external walls and blue slate for the roofs, which would match the design and appearance of the host dwelling.

This application would be a variation to an extant 2020 application on the site. The original application form explains that the amendments are thus: *Variation is sought to amend the eastern (right hand) extension to remove the annex, replacing with a smaller extension and to remove the accommodation, double garage/utility/cinema room approved at the lower ground floor level.*

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

2003/91769. Erection of Conservatory. *Conditional Full Permission – 19/06/2003.*

2020/91731. Erection of extensions to existing dwelling and erection of two storey extension to create dwelling forming annex accommodation associated with 4, Thong Lane, Netherthong, Holmfirth, HD9 3TY. *Conditional Full Permission – 09/03/2021. Extant.*

2022/90437. Tree Work Application. *Refused – 07/04/2022.*

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 06th October 2023 - no representations received.

Holme Valley Parish Council - Support

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021)

The site is unallocated in the adopted Kirklees Local Plan

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

Holme Valley Neighbourhood Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The policies most relevant are:

Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 12 – Promoting Sustainability

Policy 13 – Promoting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4 – River Holme Settled Valley Floor.

The HVNDP outlines the key landscape characteristic of the area are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor

roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.

- Mill ponds reflect industrial heritage and offer recreation facilities.

Built Characteristics are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”. Policies 1 and 2 of the HVNDP also seek these aims.

In this case, the principle of the extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Policy 1 of the HVNDP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 4 in this case). Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.14 of the SPD provides guidance on front extensions and states the following:

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and*
- The extension is small, subservient to the original building,*
- well-designed and would not harm the character of the original house or the area; and*
- The materials and design match the existing features of the original house; and*
- The extension would not unreasonably affect the neighbouring properties.*

The host dwelling is well set back from any pavement and highway and is particularly screened from the local street scene. The proposed materials for the front extension would be coursed natural stone for the external walls, which would harmonise with the existing materials used for the host dwelling. The dwelling is not located within close proximity to another neighbour in which the front extension would harm the residential amenity. The front extension is the similar proposal that was approved under planning permission 2020/91731.

Sections 5.19 and 5.20 of the SPD related to two-storey side extensions, with the following guidance being relevant:

5.19 Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

5.20 Two-storey side extensions should:

- not take up all or most of the space to the side of a house;*
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- be set back at least 500mm from the front wall of the house.*

The two storey side extensions would not result in utilising the majority of space to the side of the dwelling, given the dwelling is located centrally in a large outdoor plot of land. The extensions would not be near the site boundary. The northern side extension would not be set back 0.5 metres from the front wall of the dwelling. Given the dwelling is not located near the highway and is an individual dwelling on a plot of land, the lack of set back from the front wall is not considered to be detrimental to the overall appearance of the host dwelling. The side extensions would be set down below the ridge height of the host dwelling thus not adding a subservient element to the extensions; they are significantly smaller in total mass than the extant scheme.

The materials for the external walls and roof are to match those used within the host dwelling. The fenestration details within the front elevation would be altered to include large, glazed openings and the extensions would reflect the proposed fenestration and therefore in keeping with the new overall appearance of the property. The contemporary feel of the windows and proposed development would not harm the local character due to the dwelling being set back within an individual plot and not impact the wider street scene.

In conclusion, the proposals are considered to be appropriate in size, scale and design and that they would not appear incongruous in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Policies 1 and 2 of the HVNDP and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high

standard of amenity for existing and future users.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

The closest neighbouring dwelling to the application site is 2 Thong Lane, a detached dwelling located to the southeast of the application site. Given there is a separation gap of 25 metres to this neighbour, it is considered that the development would not adversely impact this neighbour. The properties to the west and North, No 4 Thong Lane and those properties along Crodingley are all over 35m away and at a slightly higher level.

The openings within the front elevation would face directly over the garages and the roof tops of properties along Huddersfield Road, given the topography of the area. As such, there are no concerns regarding overlooking or loss of privacy as a result of the proposed development.

In terms of overshadowing, the property is detached and is not in close enough proximity to surrounding development to cause any material harm from overshadowing or by being overbearing in this case.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the extensions would utilise outdoor space, sufficient outdoor space would be retained which is considered to be acceptable amounts for current and future occupants.

Overall, it has been considered that the impact on amenity is acceptable and the proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP, the aforementioned KDP of the SPD. Having considered the above factors affecting neighbouring properties and relevant policies, the proposed extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

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4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The host dwelling currently has 4 bedrooms on site. The proposed extensions do not increase the number of bedrooms on site, which can lead to the presumption the number of potential occupants on site will remain as existing. Some minor regrading would take place to the front of the house to provide two additional parking spaces, but this is a much reduced proposal than the 2020 permission which exists. Given this and that there are no proposed changes to highway access to the site that would require permission, it can be considered the proposal would have a neutral impact upon the highway.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and the National Planning Policy Framework: subject to permeable surfacing.

5 – Other matters/Climate Change

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability

of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. Policy 12 of the HVNDP is a specific Policy related to the sustainability of development.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A climate change statement was submitted with the application which, in part, states that some stone from the existing house will be re-used in the extension.

Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extensions will connect into the

existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought via Natural England.

Trees

KC Trees were consulted under the previous application 2020/91731 regarding the protection of trees on site. An arboricultural survey and method statement was submitted under that application which was accepted by KC Trees.

Given that this proposal is a modified (reduced) development and would significantly differ from the previously approved scheme in relation to the extensions and the removal of the ground floor garage, it is considered that the proposal would now have a neutral impact on the trees within the site. The proposed layout plan does include information on the spoil heap being kept away from the trees on site.

6 – Representations:

None Received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/92457

Officer Recommendation: Conditionally Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 of the Kirklees Local Plan, policies within Chapters 2, 4, 9, 12,14 and 15 of the

National Planning Policy Framework, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Principles 1-17 of the Council's adopted House Extensions and Alterations SPD.

3. The wall and roof materials proposed for the extensions shall be as indicated on the approved plans and shall in all respects match those used in the construction of the existing building where appropriate.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published May 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking thereafter.

Reason: To ensure adequate space within the site for vehicle parking and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principles 14 and 15 of the Council's adopted House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	19028D-20-R01		17 August 2023
Floor Plans; Existing	19028D-23-R01		29 August 2023
Elevations; Existing	19028D-24-R01		29 August 2023
Site Plan; Proposed (Trees)	19028D-30-R06		25 August 2023
Lower Floor Plan; Proposed	19028D-42-R07		17 August 2023
Ground Floor Plan; Proposed	19028D-40-R09		17 August 2023
First Floor Plan; Proposed	19028D-41-R10		17 August 2023
Elevations; Proposed	19028D-35-R12		17 August 2023
Elevations; Proposed	19028D-36-R09		17 August 2023
Climate Change Statement			29 August 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 09/10/2023

Coal: Low